

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 24, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Acting Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. The Emerald Award for NatureScape Special Achievement from Broward County (Commissioner Mark Brown)

Diana Guidry, representing the Broward County Environmental Planning & Community Resilience Division, presented the Emerald Award for NatureScape Special Achievement to the Town of Lauderdale-By-The-Sea as well as to the Youth Environmental Alliance, the Town's partner in coordinating recent sea oats plantings. The award recognizes and promotes environmentally sound landscapes in Broward County in their efforts to protect the environment. Mayor Sasser thanked Commissioner Brown for his leadership on this project.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Bill Ciani, business owner, stated that he had experienced difficulty obtaining insurance certificates from his tenants with sidewalk cafés. He suggested that the Town make

changes to its sidewalk café policy to decrease this difficulty. Mr. Ciani also expressed concern with parking for businesses, stating that he felt the Town needs a parking garage.

Warren Bullard, advised that he is the managing stockholder of the Silver Shores Yacht Basin. He briefly described the marina's history before and after its current owner purchased the property, pointing out that limitation of the length of permitted boats would also limit the profit that could be made by the business.

With no other individuals wishing to speak, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

a. BSO February 2015 Report (Captain Fred Wood)

Broward Sheriff's Office (BSO) Captain Fred Wood confirmed that he will provide a six months' report on the success of the Town's license plate reader (LPR) system. This report will be sent to the Commissioners in April 2015.

Captain Wood added that he has further discussed the plans for public restrooms on El Mar Drive with a member of BSO Staff who is certified in crime prevention design. More detailed plans for the building will be necessary before a full review is possible.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

b. AMR February 2015 Report (Chief Brooke Liddle)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

c. VFD February 2015 Report (Chief Judson Hopping)

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. Town Manager Report (Connie Hoffmann, Town Manager)

Acting Town Manager Bud Bentley advised that Town Manager Connie Hoffmann is seeking consensus that would allow the Town to host the Broward County City/County Managers' Association meeting in May 2015. The Commissioners approved this request by unanimous consensus.

Mayor Sasser advised that he has received several emails from Downtown businesses regarding attendance at recent events, such as Turtlefest and the Green Market. He requested that Town Staff meet with business owners to discuss some of the issues accompanying these events, including traffic and parking concerns, as well as how businesses are affected by multiple events held at the same time. The Commissioners approved this request by unanimous consensus. Commissioner Dodd offered to act as Commission liaison on this issue.

b. February 2015 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

c. Chamber of Commerce February 2015 Report (Tedra Smith, Town Clerk)

It was noted that the Chamber of Commerce has recently transitioned to a new website, which affected some of the tracking and statistics included in the report.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that she had received email inquiries regarding the interpretation and application of Town Code. She explained that the Town Attorney acts as attorney for the Town as an institution, rather than attorney for individual Town residents or property owners. For this reason, the Town Attorney takes direction from the Town Manager, Town Commission, and Town administration. She may also provide guidance, if requested, to Town Staff in the case of pending applications.

10. APPROVAL OF MINUTES

a. February 24, 2015 Town Commission Workshop Minutes (Tedra Smith, Town Clerk)

b. February 24, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve [both items]. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Sea Oats Signage (Commissioner Mark Brown)

Commissioner Brown suggested that the Commission consider posting informational signage on the beach near the location of the recent sea oats plantings. It was determined that Lee Gottlieb of the Youth Environmental Alliance would email templates of this signage to the Commission, to be implemented by Staff if there are no further questions.

b. Silver Shores Waterway Basin Channel (Bud Bentley, Acting Town Manager)

Acting Town Manager Bentley provided a brief presentation on the Silver Shores waterway basin, which has recently been discussed by the Commission with regard to its submerged land and ownership of the upland property. Staff has had the basin surveyed and its navigable channel identified as part of this survey. Code requires that the channel within the canal must be 40 ft. wide or 45% of the width of the canal. Because the canal is 100 ft. in width, the channel is 45 ft. wide, leaving 27.5 ft. on either side for dockage.

Acting Town Manager Bentley pointed out that within the waterway basin, the channel expands, and any vessel encroaching into the channel presents a Code violation. Staff has approached the marina owner to request any documentation they might have regarding the construction of dockage or pilings in order to determine if they were constructed prior to the adoption of the 40 ft./45 % channel definition.

He added while the marina has operated for several years without significant conflict between the business and its neighbors, in recent years there has been greater input from nearby residential and condominium properties. Representatives of these properties support the potential redefinition of channel width in order to increase marina dockage. Asst. Town Manager Bentley concluded that Staff requests direction from the Commission as to whether or not they should proceed to determine an alternative calculation for the Silver Shores Basin channel.

The Commissioners discussed the presentation, clarifying that if the channel width is reduced to 40 ft. on the south end of the basin, it may allow for dockage of larger vessels in this area. There was also discussion of how the current calculation of dockage area affects the turning radius and maneuverability of vessels. The Commissioners agreed by unanimous consensus that Staff may develop an alternative calculation for the Silver Shores Basin channel.

c. Award of Parking Services Contract to Republic Parking System (Connie Hoffmann, Town Manager; Bud Bentley, Assistant Town Manager; Tony Bryan, Finance Director)

Finance Director Tony Bryan recalled that the Town recently issued an RFP for parking management services, for which they received five proposals. An Evaluation Committee consisting of Town Staff evaluated these proposals and shortlisted the responses of two firms, Republic Parking System and Lanier Parking Solutions. While both firms are qualified, the Committee unanimously selected Republic Parking as the top-ranked firm, largely because their on-site manager would have significant municipal experience. It was determined that both firms would make brief presentations to the Commission.

Kevin Brady, representing Lanier Parking Solutions, advised that the firm is a full-service parking management company with 26 years of experience and locations in 14 states. The firm offers municipal, office, valet, and shuttle services in various municipalities, including Wilton Manors, Wrightsville Beach, and Myrtle Beach. Lanier emphasizes its personal touch, with parking ambassadors who are in contact with the population and provide customer services to visitors, residents, and merchants.

Wally Bice, representing Republic Parking System, stated that the company is 49 years old and has over 100 municipal clients across the country, including Charlotte, Pensacola, and Virginia Beach. The plan for Lauderdale-By-The-Sea would be led by a 13-year veteran with the company. Mr. Bice noted that an LPR system would be offered to the Town at no cost to help determine occupancy levels and other on-street needs. Other assistance at no cost would include signage and branding plans, technology review, and demand studies.

The Commissioners discussed the presentations, including experiences with the parking system in Wilton Manors, response to personnel issues, use of an LPR system, and mobile parking apps. It was clarified that both firms had ideas for how to improve the Town's parking system, and both would be able to provide valet service in the future if needed.

Commissioner Dodd made a motion, seconded by Commissioner Brown, to follow Staff's recommendation. Motion carried 5-0.

14. ORDINANCES

Ordinances 1st Reading

None.

Ordinances 2nd Reading

- i. **2015-04 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 30-241, "RM-25 District – Apartments and Lodging," of Division 2, "Districts," of Article V, "Zoning," of Chapter 30, Unified Land Development Regulations of the Code of Ordinances to update the regulations pertaining to the**

activities permitted on rooftop uses currently allowed in the RM-25 District and delete obsolete provisions; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner / Assistant Development Services Director)

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, recalled that he had expressed concern with rooftop uses at previous Commission meetings. Since that time, he has visited the Sky 230 building and its rooftops, and advised that these units will be an improvement to the Silver Shores area. After viewing the areas proposed for recreational use, he felt Staff's recommendation for using a percentage of the square footage of the floor area in the units below was not inappropriate. Mr. Piersante concluded that the proposed Ordinance should be passed with minor adjustments.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Acting Town Manager Bentley provided handouts to help facilitate discussion, including a schematic of the proposed rooftop areas. These drawings use the full floor area of the units below the rooftops, which is not currently part of Code but for which interest was expressed at the previous Commission meeting. He reviewed the area calculations, noting that Staff's proposal would provide a minimum square footage area or a percentage of square footage, whichever is greater. This would allow for rooftop uses on buildings with comparatively smaller units. The drawings also reflect the 5 ft. setback from the adjacent private property line, which Staff felt should be included in Code.

The Commissioners discussed the Ordinance, with Commissioner Sokolow stating that the limitation to 35% of the unit floor area did not make sense to him. He proposed that the Ordinance be modified to allow up to 70% of the unit floor area to be used on rooftops. Commissioner Dodd suggested a modification to 60% of unit floor area with a 5 ft. setback and requirement of an annual conditional use permit. Acting Town Manager Bentley clarified that the plans he provided reflected a 5 ft. setback for units that abut private property.

Vice Mayor Vincent agreed with the proposed setback, but advised he was not in favor of restricting the percentage of use on private property, nor of the requirement of a conditional use permit.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to accept the recommendations [and] add the 5 ft. setback if it works architecturally, and increase the maximum area to 70% of the floor plan with no conditional use permits.

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It was clarified that the motion would exclude language in the proposed Ordinance establishing an alternative maximum square footage.

Motion carried 4-1 (Commissioner Dodd dissenting).

15. RESOLUTIONS – PUBLIC COMMENTS

- a. 2015-10 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the 2014/2015 Fiscal Year Budget in accordance with the attached Exhibit “A”: authorizing appropriations and expenditures in accordance with the 2014/2015 Fiscal Year Budget as amended; providing for conflicts, providing for severability, and an effective date (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

16. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the quasi-judicial process. Disclosures were made by the Commissioners at this time, and all members of the public wishing to speak on this item were sworn in.

- a. Sea Lord Hotel and Beach Club – Request to Extend Site Plan Development Order for three months to June 10, 2015 (Linda Connors, Town Planner / Assistant Development Services Director)**

Acting Town Manager Bentley stated that the site plan for this project was previously approved and has received one extension. The Applicant requests a second extension, for which Staff recommends approval.

Rex Nichols, representing the Applicant, advised that the Applicant's team is presently reconsidering some of the interior spaces for the hotel. They have contracted with civil, structural, and environmental engineers, and expect to meet the extended deadline.

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd commented that there are Code violations on the subject property, including an overflowing trash receptacle and mobile storage units parked on the property. He urged the Applicant to address these issues as they begin to build on the site.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve the extension. Motion carried 5-0.

b. Second Request for a Construction Extension for 4209 and 4213 Bougainvillea Drive (Linda Connors, Town Planner / Assistant Development Services Director)

Acting Town Manager Bentley advised that this is also a request for a construction extension for two linked properties undergoing remodeling and renovation. At the time the first extension was issued, the Commission established deadlines by which the construction fence must be moved and landscaping completed. Both these items were addressed within the deadline.

A deadline for completion of the exterior structure, including painting of the property at 4209 Bougainvillea Drive, was not met until 28 days past the deadline, resulting in a fine of \$50/day. The Applicant also does not feel they can secure a certificate of occupancy (CO) by April 30, 2015, and has requested that this deadline be extended to June 15, 2015, bringing the total extension time to 765 days. Acting Town Manager Bentley suggested that the property owner and contractor complete the exterior work prior to June 15 but complete the interior work by that final date.

Mayor Sasser commented that he was in favor of the suggestion that outside work on the properties be completed before the interior work, and recommended that the exterior of the subject site be made more presentable within the same time frame.

Linda Zur, Applicant, stated that when the properties were purchased, they were in disrepair, and a previous contractor was replaced. Robert Elsemiller, contractor, advised that he has worked on the project since December 2014, when major structural deficiencies were identified and repaired. He cautioned, however, that it would be difficult to meet a deadline of April 30, 2015 for completion and cleanup of the building's exterior, and suggested this could be accomplished with an additional two weeks.

At this time Mayor Sasser opened public comment, which he closed upon receiving no input. He then re-opened the presentation portion of the hearing in order to allow questions by the Commission.

The Commissioners discussed the Item, noting that the reasons the project could not be completed at an earlier date were structural, and have been fully documented. It was clarified that the previous contractor had incurred financial issues, including liens, which required resolution. With no other individuals wishing to speak on this Item, Mayor Sasser closed the presentation.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to waive the fine and give the Applicant the 30-day extension [to] May 15 for the exterior completion, June 30 for the CO. Motion carried 5-0.

17.COMMISSIONER COMMENTS

Commissioner Dodd reported that a Coastal Oceans Task Force meeting was held at which it was clarified that at least one environmental agency owns a drone, which can provide them with aerial footage and sampling of pollution related to dredging; however, the ACOE has issued an injunction against the use of this technology, which they characterize as interference with a federal project. He concluded that the city of Pompano Beach plans to sink a 300 ft. vessel in order to form an artificial reef.

Mayor Sasser advised that he would be unable to attend the April 14, 2015 Town Commission Regular Meeting, and requested a leave of absence for this date.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve a leave of absence from the April 14 Town Commission meeting by Mayor Sasser. Motion carried 5-0.

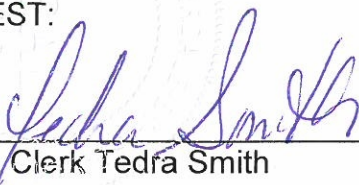
18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:24 p.m.

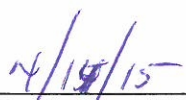


Vice Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Smith


Date